

Trade Adjustment Assistance Under the Trade Act of 1974

As amended by the
Omnibus Trade and Competitiveness Act of 1988
and
As amended by the Trade Adjustment Assistance Reform Act of 2002
The Health Coverage Tax Credit (HCTC)
The Alternative Trade Adjustment Assistance (ATAA) Wage Supplement



*NHES is a proud member of America's Workforce
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What is Trade Adjustment Assistance (TAA) for workers?

The Trade Adjustment Assistance (TAA) program is available through the Trade Act of 1974 to workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports and certain shifts of production to other countries. TAA is funded by the Employment and Training Administration (ETA) of the Department of Labor and administered by State Employment Security Agencies. You may wish to visit the NH Employment Security (NHES) Web Site at **www.nhes.state.nh.us** for information on Trade Act.

Under this program, workers may be eligible for training, job search allowance, relocation allowance and reemployment services. Additionally weekly Trade Readjustment Allowances (TRA) may be payable to eligible workers when they exhaust their unemployment benefits. TRA will be paid only if an individual is enrolled in or has completed an approved training program unless this requirement is waived.

If you do not qualify for TRA, you are still eligible for reemployment services. You may be eligible for training, job search and relocation allowances.

This pamphlet is issued for information only. It does not have the force of law or regulation.

What benefits and programs does TAA offer to help unemployed workers prepare for and obtain suitable employment?

Because you are one of a group of workers who have been certified as eligible for Trade Act benefits, you may qualify for some or all of the types of assistance described in this pamphlet. To find out more about the assistance available please read this pamphlet carefully and if you have any questions, ask the staff at your local Employment Security Office/NH WORKS One-Stop Office. There are specific time limitations to apply for each TAA program benefit. You must apply for each one separately, and you must apply for the Trade Adjustment Assistance before you begin a TAA activity.

- Reemployment services
- Job search allowances
- Relocation allowances
- Funded training
- Weekly Trade Readjustment Allowances for eligible workers who have exhausted their Unemployment Compensation benefits, and are in training or under a waiver from training.
- Additional Trade Readjustment allowances while workers are in training (including remedial training)
- Health Coverage Tax Credit

○ Alternative Trade Adjustment Assistance (ATAA)*

**This is a program for older workers. Certification for this program must be requested at the same time the Trade Act petition is filed. For more information see the narrative on this assistance.*

How is eligibility for TAA decided?

When a layoff or work reduction occurs, a petition for TAA must be filed with the U.S. Dept. of Labor and the TAA Coordinator by one of the following:

- A group of three or more workers
- A certified union official or representative
- An official of the employer/firm
- A One Stop agency or partner agency
- A State dislocated worker unit staff

The petition is on NH Employment Security's Web Site at this link:

<http://www.nhes.state.nh.us/esb/tradeact.htm>

The petition and help completing the petition is also available from NH Employment Security Offices/NH WORKS One Stop. Filing a petition will trigger immediate rapid response and basic adjustment services to workers. Rapid reemployment is the goal. The U.S. Dept. of Labor has 40 calendar days to complete its investigation and certify eligibility.

There are two types of eligibility for TAA benefits: group and individual eligibility. A different process applies to each:

Group eligibility

The Department of Labor reviews a petition on behalf of a group of workers in a particular company. It decides whether they are eligible to apply for TAA benefits and programs.

Individual eligibility

Your local NH Employment Security (NHES)/NH WORKS One-Stop Office reviews an application from an individual worker whose group petition has already been certified. It determines which TAA program benefits the worker is eligible to receive.

To be eligible for TAA benefits, you must meet three requirements:

1. Have lost your job or been "partially separated".
2. Belong to a group of employees certified by the Dept. of Labor. This means that an investigation has found that increased imports "contributed importantly" to the loss of jobs or reduction in hours and wages.
3. Have been laid off or partially separated on or after the impact date by the Trade Act Certified company and before the termination or expiration date of the certification. Your layoff or partial separation had to be caused by lack of work.

*Partial separation means that: Your work hours were reduced to 80% or less of your average weekly hours **and** you suffered a 20% decrease or more in your average weekly wages.

If you meet these requirements, you should visit your nearest local NH Employment Security office and file an application for a determination of your individual eligibility for TAA ("Request for Determination of Initial Entitlement to TAA/TRA").

Reemployment Assistance

NH Employment Security/NH WORKS One-Stop Office will make available to you basic employment services as follows:

1. We will refer you to employment opportunities for which you qualify.
2. We will provide you with information on jobs available in your local area as well as statewide.
3. When you attend a Job Search Workshop you will learn how to present yourself at job interviews and how to write a resume.
4. If you cannot find employment, we will make every effort to develop a job opening for you.
5. Counseling is the process whereby you and your counselor explore your aptitudes, interests, knowledge and skills to help you decide on a realistic vocational goal. Together you will develop an employability plan leading to your goals. If you are having difficulty finding employment or you are unsure about the kind of work you want to do, employment counseling and aptitude testing will be very helpful. We will refer you to appropriate supportive service agencies.
6. If reaching your employment goal requires that you improve your job skills or learn new ones, we will assist you with your Employability Plan.

Job Search Allowance

If you can't find a job near the place where you live and you must travel beyond the normal commuting area* for job interviews, you may be eligible for a job search allowance. You must be pre-approved by your NH Employment Security Employment Counselor to seek work beyond your commuting area if you want the Job Search Allowance.

There are some requirements designed to assure that an extended search is warranted and has a good chance of being successful. To receive a job search allowance, you must be totally separated from an adversely affected employer and registered with your local NH Employment Security Office/NH WORKS One-Stop Office. Your local office must have determined that no suitable work is available within normal commuting distances and that you have a reasonable expectation of finding work in the area where you will look. Only travel for employment outside your

normal commuting area* or local labor market within the United States will be approved. You must complete the job search within a reasonable period of time, not to exceed 30 days.

If you qualify for a job search allowance, you may be paid not more than 90% of your necessary transportation, meals and lodging expenses (at limits not exceeding travel allowance rate authorized under Federal travel regulations, and the actual per diem expenses or 50% of the prevailing per diem rate authorized under federal travel regulations (up to \$1,250 while you look for work).

Time limits for Job Search Allowance:

You must apply for a Job Search Allowance before the later of:

1. Within one (1) year after your certification or last total layoff, which ever is later, OR
2. Within six (6) months after you complete approved training.

It is important that you visit your local NHES office BEFORE you begin searching for work outside your normal commuting area.*

** The "normal commuting area" means the area in which an individual would be expected to travel to and from work on a daily basis as determined under the applicable state law.*

Relocation Allowance

When you are hired for a new job, you may have to move to a new location. If you do, you may need another type of help the program offers — financial assistance to relocate your household to your new area of employment.

You must be pre-approved by your NH Employment Security Employment Counselor to seek suitable work beyond your normal commuting area. Certain deadlines apply, please ask your Employment Counselor about these deadlines. In order to be eligible for Relocation Allowance:

- You must live 50 miles or more from your new place of work
- You must have a written offer of employment
- Your new job must be within the continental United States.

You may receive up to 90% of the cost of the following:

- meals, lodging and mileage
- moving your household goods and personal and family effects (lesser of two estimates) and up to two months storage. **Only registered movers, who provide this service to the public, are eligible for approval.**

Your application for this allowance must be filed in your local NH Employment Security office before you move. Your application will be approved if it is determined that you are totally separated from adversely affected employment at the time relocation begins and no suitable work is available in your home area and that you:

1. Have obtained suitable work of long-term duration or a bona fide offer of such work in the area to which you will move,

2. Have not previously received a relocation allowance under this certification, and
3. Have applied before the later of:
 - a. The 425th day after the certification; OR
 - b. The 425th day after the date of your last total separation from adversely affected employment; OR
 - c. The 182nd day after the conclusion of TAA approved training.

A relocation allowance pays 90 percent of the reasonable and necessary expenses of moving you, your family, and up to 18,000 pounds of your household goods to the new location. Subsistence and transportation expenses will be paid at 90% of the actual cost or payment at 50% of the prevailing per diem allowance rate authorized under the federal regulations. In addition, you will receive a lump sum payment equal to three times your former average weekly wage (up to a maximum of \$1,250) to help you get settled.

Training

The federal government designed the Trade Act Program to be a "Work First" Program

An Employment Counselor will advise you about: 1. The employment outlook 2. The kinds of work best fitted to your aptitudes and employment interests, and 3. related training opportunities that may be available at no cost to you. Your education and experience will be taken into consideration and if it is determined there are no jobs in your area, training options will be discussed.

Training opportunities include: remedial education, basic education, vocational or technical training and On-the Job Training (see separate narrative on this) at no cost to you. We recommend that you take advantage of this opportunity as soon as possible. Training programs cannot be longer than 104 weeks in length, except for an additional 26 weeks for remedial training.

The following six conditions must be met before funded training can be approved:

1. There is no suitable employment available. For Trade Act purposes the definition of suitable employment means, "...with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80% of the worker's average weekly wage."
2. You would benefit from appropriate training.

3. There is a reasonable expectation of employment after the training is completed.
4. Approved training is reasonably available from government agencies or private sources.
5. You are qualified to undertake and complete such training.
6. The training is suitable for you and available at a reasonable cost.

If the training facility is beyond your normal commuting area, you may be paid travel or living expenses. Training outside your normal commuting area will be approved only in situations where appropriate training is not available within your normal commuting area.

Duration of Training

Training is available for up to 104 weeks. Remedial education/training is available for up to 26 additional weeks for a maximum of 130 weeks.*

Six specific situations when training can be waived:

1. You have a written note that you will be recalled within six (6) months (specific recall date is required).
2. You have marketable skills (determined by assessment)
3. You are within two (2) years of qualifying for Social Security or a privately sponsored pension.
4. You are in poor health but can actively seek and accept full time work.
5. You are determined eligible for training but the first available enrollment date is delayed (start date of training is over 60 days).
6. Training is not available at a reasonable cost or funds are not available under TAA or other federal laws.

**Up to 104 weeks of TRA may be available to complete TA approved training (plus 26 additional weeks for those in remedial training).*

On-the Job Training

On-the-Job Training (OJT), matches employers with qualified individuals who are eager to work, but need the specialized training in a specific occupation. The employer agrees to provide On-the-Job Training to a Trade Adjustment Assistance (TAA) eligible trainee. TAA reimburses the employer up to 50 percent of the trainee's starting wage for the contract period. A NHES Employment Counselor will assist you to insure that your interests, aptitudes and abilities are appropriate for the training occupation. **Before** you start work, the NHES Employment Counselor will work with the employer to develop a training contract that will be tailored to meet the training needs of the position based on federal guidelines and a program called O*NET. Contact an Employment Counselor if you are interested in OJT. Brochures are available for you to hand to an employer explaining the program.

How does the OJT program work?

After a job interview, the employer agrees to hire you at the normal starting wage and benefit package for the position.

Your employer submits monthly progress reports and invoices to receive reimbursements for training costs. Overtime hours cannot be reimbursed. The employer must agree to retain you as a full-time employee when the training period is completed and for at least 26 weeks.

Trade Readjustment Allowance (TRA)

Basic TRA Benefits

Before you may receive any TRA, you must exhaust all your rights to regular unemployment compensation benefits. You must be enrolled in or have completed a TAA approved training program unless the training requirement is waived. **You must file a weekly claim and meet eligibility requirements to be paid.**

To qualify for Trade Readjustment Allowance (TRA) you must have been laid off or put on a reduced work schedule on or after the impact date and before the date when the certification ends. In addition, you must apply for your training program within eight (8) weeks of your company's first TAA certification, or, if later within 16 weeks of your most recent layoff or placed under a waiver from training within those same time frames.

During the 52-week period ending with the week in which you were first laid off, or put on a reduced work schedule, you must have worked at least 26 weeks in which you earned wages of \$30.00 or more in each week for the certified employer. Up to seven (7) weeks of certain employer authorized leave and up to 26 weeks of disability leave compensated under a workers' compensation law can be used towards meeting the wage qualifying requirement.

How much will you receive?

Your weekly TRA amount will be generally the same as the Unemployment Compensation amount you were receiving immediately before you exhausted your first rights to such benefits and became eligible for TRA benefits.

Your TRA benefits will be reduced by any earnings or other income you receive in the same way that such earnings and income would have reduced your weekly Unemployment Compensation benefits. Your TRA will also be reduced by the amount of any other Federal training allowance you are entitled to for the same week.

You may qualify for up to 52 weeks of Additional TRA

You may be able to collect up to 52 weeks of additional TRA if you use up your regular unemployment compensation benefits and Basic TRA ben-

efits and you need more time and financial help to complete your training. You can apply for the Additional TRA benefits. Additional TRA benefits can only be paid to you if you filed a bona fide application for training within 210 days from the certification date or 210 days from your most recent qualifying separation from the Trade certified company.

In addition, you may be eligible for up to 26 more weeks of TRA benefits if you are in remedial training

Remedial training/education is available for up to 26 additional weeks for a maximum of 130 weeks. If you are in remedial training, you can apply for up to 26 more weeks of TRA benefits while you are in remedial training/education.

Break in Training

If you have more than a 30-day break in your TAA training (not counting national and state holidays and weekends), TRA benefits are not payable. TRA payments will resume when your approved TAA training starts again.

Job Search Requirements

If you complete training or receive a waiver from training, you must actively seek full time employment to receive Basic TRA benefits. Employment Security staff will help you with your work search. Reemployment is the goal!

Some reasons benefits are denied

You may be denied benefits for some of the following reasons:

1. You don't file an application for a particular benefit within the specified application period.
2. You either (a) don't begin participating in an approved training program or (b) stop participating in an approved training program, without a written waiver or justifiable cause.
3. You don't conduct an active search for work when required.
4. You don't accept a suitable offer of work when required.
5. You are not available for work when required.
6. You do not report all wages earned during a week you claim a TRA payment.
7. You are no longer unemployed.

Health Coverage Tax Credit (HCTC)

The Health Coverage Tax Credit is a federal credit that pays up to 65% of the monthly health insurance premium for eligible participants who enrolled in qualified health plans while they were working for the Trade Act affected company (you pay 35%).

You must be covered under a TAA certification of eligibility for TAA benefits in order to be eligible. In addition, you must be entitled to and receiving Unemployment Compensation, TRA benefits, or participating in ATAA (see below) and you must be enrolled in approved training, have completed a training program or have obtained a waiver. This requirement is applicable during the period that you are receiving TRA as well as Unemployment Compensation.

Your HCTC may begin on the 61st day after the petition was filed.

You must have received TRA or Unemployment Compensation benefits on any day of the month to qualify for HCTC that month or be participating in ATAA (see narrative below).

You are eligible for an additional month after ceasing to be an eligible TAA recipient and as such remain eligible for the advanced tax credit for one more month. Individuals may claim the credit when they file their federal tax return, or they can register to receive advance payment of the credit on a monthly basis. You must apply for the advance tax credit through NH Employment Security.

Alternative Trade Adjustment Assistance (ATAA) Wage Supplement

The Alternative Trade Adjustment Assistance (ATAA) is an alternative assistance program for older workers certified eligible to apply for Trade Adjustment Assistance. ATAA is designed to allow TAA eligible workers for whom retraining may not be appropriate and who find reemployment, to receive a wage subsidy to help bridge the salary gap between their old and new employment. The program is effective for petitions filed on or after August 6, 2003. A request for certification for the ATAA program must be made at the time the petition is filed. Eligible older workers may receive up to half of the difference between their old wage and the new wage. The wage subsidy may be paid up to a maximum of \$10,000 during a two-year eligibility period. Workers who begin receiving payments under the ATAA program cannot receive other TAA benefits and services, except for relocation allowances and the Health Coverage Tax Credit (HCTC). If your new job pays \$50,000 a year or more, then you are not eligible for ATAA.

Your rights

Of Application: You have the right to apply for any of the benefits provided by the Trade Act. All applications must be in writing. NH Employment Security will provide the necessary forms and assist you in completing them.

Of Determination: When you apply for any of the benefits provided by the Trade Act, you will be given a written decision called a Determination. The Determination will tell you whether you are eligible for the benefits you applied for, and if you are not eligible, will explain the reasons.

Of Appeal: You have the right to appeal any Determination made concerning your eligibility for or the amount of benefits for which you applied. When you appeal, you will be given the opportunity to present your side before an impartial board. Your appeal must be received in a Department office within fourteen (14) days of the day the Determination was mailed. Appeal rights and method of filing will also be explained on the Determination you receive.

Discrimination Prohibited

The Civil Rights Act of 1964, as amended, states that no person in the United States shall on the grounds of race, color, religion, sex, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance. All employment and training programs must be operated in compliance with this law.

Penalties

A person who makes a false statement or withholds essential information in connection with an application for benefits under the Trade Act is subject to penalties under the New Hampshire Unemployment Compensation Law, under the Trade Act of 1974, and under the Omnibus Trade and Competitiveness Act of 1988.

A person found guilty of such action is subject to a fine or imprisonment or both, loss of future benefits, and repayment of allowances received.

Glossary

TRADE ACT (TA) - A program to help workers whose employment is affected by increased imports.

TRADE ADJUSTMENT ASSISTANCE (TAA) - means employment services, training, job search allowance, and relocation allowance to help workers return to work.

TRADE READJUSTMENT ALLOWANCE (TRA) - specifically means the payment of benefits for weeks of unemployment due to increased imports.

PETITION - A request by 3 or more workers or their authorized representative for a certification to apply for adjustment assistance under the Trade Act. This request is filed with the U.S. Department of Labor.

CERTIFICATION - A determination by U.S. Department of Labor that worker separations from a company were due to increased imports and certifies all workers as eligible to apply for TAA. The certification contains specific dates including Impact Date and Termination Date.

IMPACT DATE - A date of up to one year prior to the date of the petition. Workers separated on or after the Impact Date are eligible to apply for TAA.

TERMINATION DATE - A certification usually lasts 2 years from the certification date and workers must be separated before the termination date to apply for TAA.

HEALTH COVERAGE TAX CREDIT (HCTC) - The Health Coverage Tax Credit is a federal credit that pays up to 65% of the monthly health insurance premium for eligible participants who enrolled in qualified health plans while they were working for the Trade Act affected company. The participant must be covered under a TAA certification of eligibility for TAA benefits in order to be eligible and receiving Unemployment Compensation or TRA.

ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE (ATAA) - An alternative assistance program for older workers certified eligible to apply for Trade Adjustment Assistance. ATAA is designed to allow TAA eligible workers for whom retraining may not be appropriate and who find reemployment, to receive a wage subsidy to help bridge the salary gap between their old and new employment. The program is effective for petitions filed on or after August 6, 2003. Workers must request certification for the ATAA program at the time the petition is filed.

Trade Readjustment Allowance (TRA) – Weekly benefits		
Up to 26 weeks of regular unemployment benefits		You must exhaust all your rights to regular unemployment compensation before you are eligible for TRA.
Up to 26 weeks of Basic TRA	Must apply for your training within 8 weeks of your company's first TAA certification, or, if later within 16 weeks of your most recent layoff or placed under a waiver from training within those same time frames.	You must be enrolled in or have completed a TAA approved training program unless the training requirement is waived. You must file a weekly claim and meet eligibility requirements to be paid.
Up to 52 weeks of Additional TRA	If you need more time and financial help to complete your training, you can apply for Additional TRA benefits. You may be able to collect up to 52 weeks of additional TRA if you use up your regular unemployment compensation and Basic TRA benefits. The additional TRA benefits can only be paid to you if you filed a bona fide application for training within 210 days from the certification date or 210 days from your most recent qualifying separation from the Trade certified company.	

Up to 26 weeks of TRA benefits if in remedial training	If you are in remedial training, you can apply for up to 26 more weeks of TRA benefits while you are in remedial training/education. Remedial training/education is available for up to 26 additional weeks for a maximum of 130 weeks.		
Training (Classroom)	Training (Classroom) Up to 104 weeks		While in approved training you can collect unemployment compensation and then TRA benefits for a total of 104 weeks. See chart above.
Remedial education/training	Up to 26 additional weeks for a maximum of 130 weeks		Remedial education/training is available for up to 26 additional weeks for a maximum of 130 weeks.
The employer agrees to provide On-the-Job Training to a Trade Adjustment Assistance (TAA) eligible trainee.	On-the-Job Training TAA reimburses the employer up to 50 percent of the trainee's starting wage for the contract period. ANHES Employment Counselor will assist you to insure that your interests, aptitudes and abilities are appropriate for the training occupation. The contract is written before you start work.		After a job interview, the employer agrees to hire you at the normal starting wage and benefit package for the position. You do not receive any unemployment Compensation or TRA when you are in an OJT.